

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,) Civil Action No.: 0:14-cv-0439-CMC-TER
)
)
Plaintiff,)
)
)
-vs-)
)
)
TNT PROPANE, INC., T-N-T OF YORK)
COUNTY, INC., TNT TRUCKING OF)
THE CAROLINAS, INC., and TM)
TRUCKING OF THE CAROLINAS, INC.)
)
)
Defendants.)
)
_____)

ORDER

Presently before the court is counsel for Defendants' Motion to Be Relieved as Counsel (Document # 42). Pursuant to Local Civil Rule 83.I.07(B), counsel for Defendants sent a copy of the motion to his clients via electronic mail and UPS overnight mail. Counsel notified Defendants in writing that they must retain new counsel because corporate entities cannot represent themselves, that new counsel must be admitted to practice in this court, and Defendants may be held in default if new counsel is not retained within a reasonable time. Counsel also notified Defendants that they could object to his request to be relieved by filing, through counsel, a response to the motion within seventeen days of the filing date. See Motion and Attachments (Document # 42). On January 14, 2015, a hearing was scheduled on the present motion for January 28, 2015. The undersigned directed counsel for Defendants to notify them of the hearing and that a representative for Defendants must be present. Via UPS overnight mail, counsel for Defendants provided them with the notice of hearing and informed them of the requirement that someone appear on their behalf. See Macauley Letter and Attachments (Document # 51). No representative for Defendants, legal or otherwise, appeared at the

hearing. Mr. Macauley represented that he had spoken with a representative for Defendants and he was aware of the hearing.

Counsel's Motion to be Relieved (Document # 42) is **GRANTED** and Angus Macaulay, Jr., and Nexsen Pruet, LLC are hereby relieved as counsel for Defendants TNT Propane, Inc., T-N-T of York County, Inc., TNT Trucking of the Carolinas, Inc., and TM Trucking of the Carolinas, Inc. However, as previously stated, Defendants may not proceed pro se (without counsel). See, e.g., First Hartford Corporation Pension Plan and Trust v. U.S., 194 F.3d 1279, 1290 (Fed. Cir. 1999) (pro se actions by non-attorneys on behalf of corporations "fail for lack of standing"); Pridgen v. Andresen, 113 F.3d 391, 392-93 (2nd Cir. 1997) (pro se litigant may not represent corporation, estate, partnership, or his or her minor child). Thus, this case is stayed for 30 days from the date of this order to allow Defendants time to retain new counsel.¹ Defendants must obtain counsel and counsel must file a Notice of Appearance in this Court within 30 days of the date of this order. A response to Plaintiff's Motion to Amend the Complaint (Document # 41) is due within ten days of the expiration of the stay. **Failure to obtain counsel within this time frame may result in a recommendation that Defendants' Answer be stricken and default be entered.** The clerk's office is directed to serve Defendants with a copy of this order at the address provided in counsel's motion to be relieved.

IT IS SO ORDERED.

s/Thomas E. Rogers, III
 Thomas E. Rogers, III
 United States Magistrate Judge

January 30, 2015
 Florence, South Carolina

¹This stay does NOT apply to the currently pending deadline to file objections to the Report and Recommendation (Document # 44) filed January 14, 2015. See Text Order (Document # 47).